

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EASTERN FUNDING, LLC)	
)	
Plaintiff,)	
)	
vs.)	Case No. 20-cv-599-DWD
)	
CWI COMMERCIAL LAUNDRY)	
EQUIPMENT, INC.,)	
TAMMY WISINSKI, and)	
CRAIG WISINSKI,)	
)	
Defendants.)	

ORDER MODIFYING STAY

DUGAN, District Judge:

Now before the Court is Plaintiff's Status Report (Doc. 68), which the Court construes as a request to modify the pending stay in this matter as to Defendant CWI Commercial Laundry Equipment.

On August 19, 2021, this matter was stayed pending the resolution of Defendant Tammy Wisinski and Defendant CWI Commercial Laundry Equipment Inc.'s respective bankruptcy proceedings (Doc. 67). On November 1, 2021, Plaintiff filed a status report representing that Defendant CWI's bankruptcy proceedings have been dismissed (Doc. 68). Plaintiff also represents that Defendant Tammy Wisinski's bankruptcy proceeding is ongoing. Plaintiff now asks the Court to lift the pending stay as to Defendant CWI so Plaintiff can proceed in this matter as to CWI and file a motion for default judgment.

The Court previously made findings concerning the ability of this matter to proceed against Defendant CWI without impacting Defendant Tammy Wisinski's

ongoing bankruptcy proceedings or her bankruptcy estate (*See* Doc. 47). Further, no timely responses or objections have been made to Plaintiff's request. The Certificate of Service on Plaintiff's Status Report indicates that copies of the report were mailed to all Defendants, along with Dawn Capella, the Trustee of Tammy Wisinski's bankruptcy estate, and her counsel who previously appeared in this matter. SDIL-LR 7.1 provides that parties opposing a motion of this kind shall have 14 days after service of the motion to file a written response. "Failure to file a timely response to a motion may, in the Court's discretion, be considered an admission on the merits of the motion." *See* SDIL-LR 7.1.

Considering the forgoing, the Court finds it appropriate to modify the current stay of proceedings in this matter. The Court hereby **LIFTS** the stay of proceedings in this matter **as to Defendant CWI only**. The stay of proceedings as to Defendant Tammy Wisinski (*See* Docs. 44, 67) **REMAINS IN EFFECT**. The parties are **ORDERED** to file a status report within fourteen (14) days of any change in the status of the automatic stay in Defendant Tammy Wisinski's bankruptcy case or upon the resolution of those proceedings.

SO ORDERED.

Dated: November 18, 2021

The image shows a handwritten signature in black ink that reads "David W. Dugan". The signature is written over a circular official seal. The seal features an eagle with spread wings in the center, holding a shield with stars and stripes. The words "UNITED STATES DISTRICT COURT" are written in a circle around the eagle, and "SOUTHERN DISTRICT OF ILLINOIS" is written in a smaller circle at the bottom.

DAVID W. DUGAN
United States District Judge